

REMARKS

The above-identified application has been carefully reconsidered in view of the Office Action mailed September 7, 2005. Early and favorable reconsideration and allowance of the application are respectfully requested.

Regarding the Non-Statutory Double Patenting Rejection

In regard to the nonstatutory double patenting rejection of claims 2-6, 14, and 16-50, Applicant respectfully submits that the Terminal Disclaimer filed concurrently herewith, a copy of which is enclosed, overcomes the nonstatutory double patenting rejection

Regarding the Statutory Double Patenting Rejection

In regard to the statutory double patenting rejection of claims 1, 7-13, and 15, Applicant respectfully traverses the rejection and requests that the Examiner reconsider the same.

The Examiner asserts that claims 1-3, 9-13, and 15 of prior U.S. Patent No. 6,554,208 claim the same invention as the rejected claims. Claim 1 of the '208 patent claims, in part, a "spray chamber comprising an *enclosure* having at least one wall *surrounding the user*" (emphasis added). But claim 1 of the application claims a "spray area" rather than an enclosure and does not include the limitation that the "at least one wall" surround the user. It is respectfully submitted that the enclosure and wall surrounding the user is a significant limitation of the '208 patent that is not present in claim 1 of the application, and thus claim 1 cannot be rejected on this basis. The rejections of claims 7-13 and 15 are respectfully traversed for the same reasons, as those claims are dependent upon claim 1.

Regarding the Anticipation Rejection

Applicant respectfully traverses the Examiner's rejection of claims 1-50, which were made under 35 U.S.C. § 102(e), and requests that the Examiner reconsider the same. No amendment to any of the claims has been made.

It is respectfully submitted that the Examiner's rejection of the claims as being anticipated by U.S. Patent No. 6,443,164, issued to Parker et al., relies on the faulty premise that Parker discloses a spray chamber having stationary nozzles. Not only does Parker not use the term "stationary" anywhere to describe the nozzles, but it specifically and repeatedly discloses embodiments of the apparatus wherein the nozzles are mounted on an arm that moves within the booth to coat the person therein, an example of which is as follows:

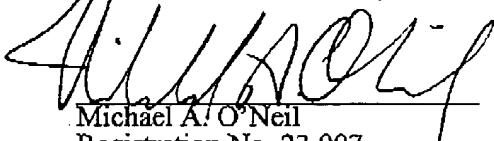
"Referring to FIGS. 1 and 3-10, an arm 50 is movably mounted in the booth 10 so as to traverse within the booth in relation to a user standing in the booth 10. The arm 50 has three or more active nozzles 51 such that none of the active nozzles are oriented to spray in a direction substantially toward any other active spray nozzle." *See, column 7, lines 1-6.*

The arm 50 having the nozzles 51 is disclosed by Parker as being aligned horizontally and moving vertically, or aligned vertically and moving horizontally or even in an elliptical pattern, but in all embodiments discussed in Parker the nozzles are anything but stationary. *See generally, Figures 1, 3, 4, 7, 8 and 10; column 9, lines 40-43; column 10, lines 21-38.* In contrast, each of the independent claims 1, 16, 33, and 35 of the application, and thus all of the remaining independent claims as well, clearly include the limitation that the nozzles are stationary. It is respectfully submitted, therefore, that Parker cannot anticipate the application, and thus Applicant respectfully requests that the Examiner reconsider her rejection on this basis.

In conclusion, it is respectfully submitted that the present application is in condition for favorable action and allowance. Should the Examiner have any further questions in this regard, the courtesy of a telephone interview is requested. The Examiner may contact the undersigned attorney at (214) 739-0088.

Respectfully submitted,

MICHAEL A. O'NEIL, P.C.



Michael A. O'Neil
Registration No. 23,007

Date: October 27, 2005
5949 Sherry Lane, Suite 820
Dallas, Texas 75225
(214) 739-0088
(214) 739-8284 (Fax)